GOVERNMENT OF INDIA
COMMUNICATIONS
LOK SABHA

UNSTARRED QUESTION NO:1730
ANSWERED ON:06.03.2000
SETTING UP OF A PANEL FOR TELECOM DISPUTES
RAMPAL SINGH;S. JAGATHRAKSHAKAN;SHIVAJI VITHALRAO KAMBLE;VILAS BABURAO MUTTEMWAR

Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether the Government propose to set up a new panel for the settlement of telecom disputes on the lines of Lok Adalats to solve the disputes between the licence granting authorities and license holders for the speedy disposal of the disputes outside the courts;

(b) if so, the details thereof alongwith its proposed powers and jurisdiction;

(c) whether the Government have arranged a meeting between the officials of the Department of Telecommunications(DOT), Mahanagar Telephone Nigam Limited(MTNL) and Telecom Regulatory Authority of India(TRAI) for the settlement of dispute over the Calling Party Pay(CPP) regime;

(d) if so, whether any such meeting has been convened;

(e) if so, the outcome thereof;

(f) whether any final settlement has been arrived at to solve this problem; and
(g) if not, the time by which a final decision is likely to be taken in this regard?

Answer

MINISTER OF STATE FOR COMMUNICATIONS (SHRI TAPAN SIKDAR)

(a) & (b) Prior to its amendment by the Telecom Regulatory Authority of India(Amendment) Ordinance, 2000promulgated on 24th Jan. 2000 the TRAI Act, 1997 had inter alia provided for limited adjudicatory functions to be performed by TRAI, which did not cover the settlement of lincensor-licensee disputes.
With a view to strengthen the regulatory framework in the telecommunications sector, Govt. promulgated the above mentioned Ordinance on 24th Jan.2000. As a result of the amendments brought about to the TRAI Act 1997, the dispute settlement mechanism has ben restructured and strengthened. Chapter IV ofthe TRAI Act, 1997, under which TRAI had got limited adjudicatory powers, has been replaced, to provide for the establishment of a separate disputes redressal body, known as the ` Telecom Disputes Settlement and Appellate Tribunal`, to adjudicate inter-alia any dispute between a licensor and a licensee. Appeals against the orders of the said Tribunal shall lie to the Supreme Court, as specified in the relevant provisions of the amended TRAI Act, 1997.

(c) No, Sir.

(d) & (e) Do not arise in view of (c) above.

(f) & (g) The Calling Party Pay(CPP) regime in its present form has been struck down by the Division Bench of Hon`ble High Court o Delhi in their judgement dated 17th January, 2000. The Hon`ble judges also clarified that TRAI may consider whether the CPP regime or a free incoming call regime can be introduced within the terms and conditions of existing licenses and conditions of existing licenses and within the policy as framed by the Government.
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